

Filed for intro on 01/17/2002

HOUSE BILL 2231

By DeBerry L

AN ACT to amend Tennessee Code Annotated, Title 29 and Title 48, Chapter 58, relative to immunity from suit for nonprofit organizations and individuals that sponsor charitable fundraising events.

WHEREAS, the general assembly finds and declares that the services of nonprofit organizations and philanthropic individuals who sponsor charitable fundraising events are critical to the efficient conduct and management of the public and charitable affairs of the citizens of this state; and

WHEREAS, such nonprofit organizations and philanthropic individuals must be permitted to operate without concern for the possibility of litigation arising from such events; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding the following as an appropriately designated new section:

Section 29-__-__ (a)

All nonprofit organizations, the directors, trustees or members of the governing bodies of nonprofit cooperatives, corporations, clubs, associations and organizations, whether compensated or not; and philanthropic individuals who sponsor charitable

fundraising events shall be immune from suit arising from personal injuries and other damage to property that occurs at such events. Such immunity from suit shall be removed when such conduct amounts to willful, wanton or gross negligence.

Notwithstanding other provisions of law to the contrary, all nonprofit organizations, the directors, trustees or members of the governing bodies of nonprofit cooperative, corporations, clubs, associations and organizations, whether compensated or not; and philanthropic individuals who sponsor charitable fundraising events shall be immune from personal liability only if such corporations, associations, organizations or individuals carry liability insurance coverage in an amount to be determined by the department of commerce and insurance.

SECTION 2. This act shall take effect upon on July 1, 2002, the public welfare requiring it.